MONTANA LEGISLATIVE HISTORY

Chapter 440 19 89

Bill H 661 S _____ Original bill & history ✓ C

H. Committee on Human Services & Ag.			S. Committee on Public Health, Wel...		
Hearing Date(s)	2-15	C	Hearing Date(s)	3-17	C
		C			C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE BILL NO. 661

INTRODUCED BY RICE

BY REQUEST OF THE DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE HOUSE

FEBRUARY 11, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 13, 1989	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 98; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 22, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 661

INTRODUCED BY Rice

BY REQUEST OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE STATUTES RELATING TO SEXUALLY TRANSMITTED DISEASES; CHANGING THE REFERENCES TO "VENEREAL DISEASES" TO "SEXUALLY TRANSMITTED DISEASES"; ADDING AIDS AND CHLAMYDIA GENITAL INFECTIONS TO THE LIST OF SEXUALLY TRANSMITTED DISEASES DEFINED; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IS NOT RESPONSIBLE FOR PROVIDING TREATMENT TO THOSE WITH SEXUALLY TRANSMITTED DISEASES; ALLOWING THE DEPARTMENT TO KEEP FALSE POSITIVE SYPHILIS TEST RESULTS; ELIMINATING THE REQUIREMENT THAT A PHYSICIAN REPORT DIRECTLY TO THE DEPARTMENT; ALLOWING PERSONS AUTHORIZED BY STATE PHARMACY LAWS TO SIGN A PRESCRIPTION TO PRESCRIBE, SELL, OR RECOMMEND DRUGS FOR TREATMENT OF SEXUALLY TRANSMITTED DISEASES; CLARIFYING THE CIRCUMSTANCES UNDER WHICH INFORMATION CONCERNING SEXUALLY TRANSMITTED DISEASES MAY BE RELEASED; AMENDING SECTIONS 41-1-402, 41-1-403, 50-18-101 THROUGH 50-18-104, 50-18-106 THROUGH 50-18-113, 50-19-102, 50-19-105, AND 50-31-303, MCA; AND REPEALING SECTION 45-8-204, MCA."

Montana Legislative Council

LC 0860/01

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-18-101, MCA, is amended to read:

"**50-18-101. ~~Venereal~~ Sexually transmitted diseases defined. ~~Syphilis~~ Acquired immunodeficiency syndrome (AIDS), syphilis**, gonorrhea, chancroid, **chlamydia genital infections,** lympho-granuloma, venereum, and granuloma inguinale are ~~venereal~~ sexually transmitted diseases. ~~Venereal~~ Sexually transmitted diseases are contagious, infectious, communicable, and dangerous to public health."

Section 2. Section 50-18-102, MCA, is amended to read:

"**50-18-102.~~--Department----to-----undertake-----control, prevention,--and--treatment--of-venereal-diseases~~ Powers and duties of department.** The department of health and environmental sciences shall undertake to prevent, control, and prescribe treatments for ~~venereal~~ sexually transmitted diseases and may conduct education campaigns for this purpose."

Section 3. Section 50-18-103, MCA, is amended to read:

"**50-18-103. Cooperation with federal agencies -- federal funds.** (1) The department of health and environmental sciences shall cooperate with federal agencies and may expend federal funds made available to the state for the prevention, control, and treatment of ~~venereal~~ sexually transmitted diseases.

(2) The department may accept federal funds available

INTRODUCED BILL
HB 661

for the prevention, control, and treatment of ~~venereal~~ sexually transmitted diseases, deposit funds in the state treasury, and disburse the funds."

Section 4. Section 50-18-104, MCA, is amended to read:

"**50-18-104. Serological test for syphilis.** (1) The department of health and environmental sciences shall approve a standard serological test for syphilis. It shall also approve laboratories which may make such tests.

(2) On request the department shall make laboratory tests required by this chapter.

~~(3)--The-department-shall-destroy-the-results-of-a--test if-an-erroneous-report-is-made.~~"

Section 5. Section 50-18-106, MCA, is amended to read:

"**50-18-106. Duty to report cases.** ~~(1)-A--physician--who diagnoses--or--treats-a-venereal-disease-shall-make-a-record and--report--the--case--to--the--department--of--health--and environmental--sciences--in-the-way-and-on-forms-provided-by the-department.~~

~~(2)~~ If a physician or other person knows or has reason to suspect that a person who has ~~venereal~~ a sexually transmitted disease is conducting himself in a way which might expose another to infection, he shall immediately notify the local health officer of the name and address of the diseased person and the essential facts in the case."

Section 6. Section 50-18-107, MCA, is amended to read:

"**50-18-107. Powers and duties of health officers.** (1) If found necessary or desirable to protect public health, state and local health officers or their authorized deputies or agents shall:

(a) examine or have examined persons reasonably suspected of being infected with ~~venereal~~ a sexually transmitted disease;

(b) require persons infected to report for treatment to a reputable physician and continue treatment, which may be at public expense, until cured;

(c) isolate or quarantine persons who refuse examination or treatment;

(d) investigate sources of infection of ~~venereal~~ a sexually transmitted disease.

(2) No one but the state or local health officer may terminate the isolation or quarantine. Examinations may be made repeatedly as deemed advisable or desirable."

Section 7. Section 50-18-108, MCA, is amended to read:

"**50-18-108. Examination and treatment of prisoners.** Any person confined or imprisoned in any state, county, or municipal prison within the state may be examined for ~~venereal~~ a sexually transmitted disease. If infected, the person ~~shall~~ must be treated by health authorities."

Section 8. Section 50-18-109, MCA, is amended to read:

"**50-18-109. Permissible release of information**

concerning infected persons. (1) Information concerning persons infected or reasonably suspected to be infected with ~~venereal~~ a sexually transmitted disease may ~~only~~ be released ~~to~~ only:

(a) to personnel of the department of health and environmental sciences; ~~or~~

(b) to a physician who has written consent of the person whose record is requested~~.~~;

(c) to a local health officer; or

(d) by the department of health and environmental sciences or a local health officer or board under the circumstances allowed by [Bill No. (LC 864)].

(2) For the purposes of this section, the term "information" includes all knowledge or intelligence and all communications of all knowledge or intelligence, oral or written or in record form, and also includes but is not limited to information concerning the location or nature of the activities or work of all local, state, or federal employees or officers engaged in ~~venereal~~ sexually transmitted disease eradication work, and such personnel are privileged ~~and shall not be required to testify concerning anything within their knowledge or work activities having any relation to venereal disease work.~~

(3) The purpose of this section is to protect and preserve the principle of confidentiality in ~~venereal~~

sexually transmitted disease work by public personnel, local, state, and federal, such confidentiality being all important to the success of all ~~venereal~~ sexually transmitted disease eradication work and endeavor, and to require that the principle of confidentiality in such work remain inviolate."

Section 9. Section 50-18-110, MCA, is amended to read:

"**50-18-110. Unlawful ~~dispensation~~ dispensing of drugs for cure or alleviation of ~~venereal~~ sexually transmitted disease.** It is unlawful to prescribe, sell, or recommend any drugs, medicines, or other substances for the cure or alleviation of ~~venereal~~ a sexually transmitted disease except upon prescription signed by a ~~physician~~ person legally authorized to ~~practice medicine in~~ do so by the pharmacy laws of this state."

Section 10. Section 50-18-111, MCA, is amended to read:

"**50-18-111. Certificate of freedom from ~~venereal~~ sexually transmitted disease not to be issued.** No person shall issue a certificate of freedom from ~~venereal~~ a sexually transmitted disease. However, a physician or health officer may issue a statement of freedom from diseases in an infectious state only if it is written in such form or given under safeguards that will prevent its use in solicitation for sexual intercourse. These statements shall not be used for solicitation for immoral purposes."

Section 11. Section 50-18-112, MCA, is amended to read:

"**50-18-112. Infected person not to expose another to ~~venereal~~ sexually transmitted disease.** A person infected with a ~~venereal~~ sexually transmitted disease ~~shall~~ may not knowingly expose another person to infection."

Section 12. Section 50-18-113, MCA, is amended to read:

"**50-18-113. Violation a misdemeanor.** A person who violates provisions of this chapter or rules adopted by the department of health and environmental sciences concerning ~~venereal~~ a sexually transmitted disease or who fails or refuses to obey any lawful order issued by a state or local health officer is guilty of a misdemeanor."

Section 13. Section 50-19-105, MCA, is amended to read:

"**50-19-105. Report of positive test results.** All positive laboratory tests for any ~~venereal~~ sexually transmitted diseases ~~shall~~ must be reported to the department by the laboratory preparing the test. The department shall prescribe the form and way of reporting."

Section 14. Section 41-1-402, MCA, is amended to read:

"**41-1-402. Validity of consent of minor for health services.** (1) The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician licensed to practice medicine in this state may be given by a minor who professes or is found to meet any of

the following descriptions:

(a) a minor who is or was ever married or has had a child or graduated from high school or is emancipated;

(b) a minor who has been separated from his parent, parents, or legal guardian for whatever reason and is supporting himself by whatever means;

(c) a minor who professes or is found to be pregnant or afflicted with any reportable communicable disease, including ~~venereal~~ a sexually transmitted disease, or drug and substance abuse, including alcohol. This self-consent only applies to the prevention, diagnosis, and treatment of those conditions specified in this subsection. The self-consent in the case of pregnancy, ~~venereal~~ a sexually transmitted disease, and drug and substance abuse also obliges the health professional, if he accepts the responsibility for treatment, to counsel the minor by himself or by referral to another health professional for counseling.

(d) a minor who needs emergency care, including transfusions, without which his health will be jeopardized. If emergency care is rendered, the parent, parents, or legal guardian shall be informed as soon as practical except under the circumstances mentioned in this subsection (1).

(2) A minor who has had a child may give effective consent to health service for his child.

(3) A minor may give consent for health care for his spouse if his spouse is unable to give consent by reason of physical or mental incapacity."

Section 15. Section 41-1-403, MCA, is amended to read:

"**41-1-403. Release of information by physician.** (1) A treating physician or other health professional may, but shall not be obligated to, inform the spouse, parent, custodian, or guardian of any such minor in the circumstances as enumerated in 41-1-402 of any treatment given or needed when:

(a) in the judgment of the health professional, severe complications are present or anticipated;

(b) major surgery or prolonged hospitalization is needed;

(c) failure to inform the parent, parents, or legal guardian would seriously jeopardize the safety and health of the minor patient, younger siblings, or the public;

(d) to inform them would benefit the minor's physical and mental health and family harmony; or

(e) the hospital desires a third-party commitment to pay for services rendered or to be rendered.

(2) Notification or disclosure to the spouse, parent, parents, or legal guardian by the health professional shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged

communication, or any other legal basis of liability. When the minor is found not to be pregnant or not afflicted with ~~venereal~~ a sexually transmitted disease or not suffering from a drug- or substance-abuse, including alcohol, then no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in this part, without the consent of the minor."

Section 16. Section 50-19-102, MCA, is amended to read:

"**50-19-102. Duties of department.** (1) The department shall provide all necessary printing and pay all necessary expenses relative to administration of this part.

(2) Reasonable rules for reports to be submitted by any laboratory making tests and the manner of furnishing the reports to the physician and the state shall be adopted by the department.

(3) The department may use information derived from reports of positive tests for ~~venereal~~ sexually transmitted diseases for follow-up procedures required by law or considered necessary by the department for the protection of public health."

Section 17. Section 50-31-303, MCA, is amended to read:

"**50-31-303. Certain drug advertisements considered false.** (1) For the purpose of this chapter, the

advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, or ~~venereal~~ a sexually transmitted disease shall also be deemed to be false, except that no advertisement not in violation of 50-31-107(1) shall be deemed to be false under this section if it is disseminated only to members of the medical, dental, or veterinary professions or appears only in the scientific periodicals of these professions or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(2) Whenever the department determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the department shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the department may deem

necessary in the interests of public health.

(3) This section shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious."

NEW SECTION. **Section 18.** Repealer. Section 45-8-204, MCA, is repealed.

NEW SECTION. **Section 19.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 20.** Coordination instruction. If __Bill No.__ [LC 864] is not passed and approved, the portions of [section 8 of this act] are void that add a new subsection (1)(d) to 50-18-109 and that strike the phrase "and shall not be required to testify concerning anything within their knowledge or work activities having any relation to venereal disease work" from subsection (2) of 50-18-109.

NEW SECTION. **Section 21.** Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 22.** Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this

act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

Form CS-32
Rev. 1985

STATUS SHEET

____ LEGISLATIVE SESSION

HUMAN SERVICES AND AGING COMMITTEE

BILL NUMBER	ENTERED COM. DATE	DATE CONSIDERED	OUT OF COM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMENDED DATE	DO NOT PASS AS AMENDED DATE	BE CONCURRED IN DATE	BE NOT CONCURRED IN DATE	BE CONCURRED IN AMENDED DATE	BE NOT CONCURRED IN AS AMENDED DATE
HB631	2-5-89	2-5-89	2-13-89	2-13-89							
HB653	2-13-89	2-15-89	2-13-89	2-13-89							
HB654	2-13-89	2-15-89	2-13-89	2-13-89							
HB661	2-13-89	2-15-89	2-13-89			2-13-89					
HB663	2-13-89	2-15-89	2-13-89	2-13-89							
HJR24	2-13-89	2-15-89	2-13-89	2-13-89							
HB686	2-14-89	2-17-89	2-18-89	2-18-89							
HB688	2-14-89	2-17-89	2-18-89			2-18-89					
HB684	2-13-89	2-17-89	2-18-89			2-18-89					
HB732	2-13-89	2-17-89	2-18-89			2-18-89					
HB682	2-13-88	2-15-89	2-13-89			2-13-89					
HB738	2-17-89	2-17-89	3-17-89								
HB741	2-27-89	3-3-89	3-15-89								
HB742	2-27-89	3-6-89	3-6-89			3-6-89					

Use a separate sheet for Senate Bills, House Bills, and Resolutions.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on February 15, 1989, at 2:15 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

HEARING ON HJR 24

Presentation and Opening Statement by Sponsor:

Rep. Pavlovich stated that this bill was a request for immediate construction of nursing home facilities at the Veterans' Administration Center at Fort Harrison, Montana.

Testifying Proponents and Who They Represent:

Bob Durkee, Veterans of Foreign Wars
George Poston, United Veterans Committee of Montana
John Sloan, Commander of the Military Order of the Purple Heart
John DenHerder, Disabled American Veterans

Proponent Testimony:

Bob Durkee stated that the veterans that would be represented would be all the wars that would benefit from this bill. Those are the people that are in desperate need of nursing home beds. The Congress has appropriated money for this purpose but the money has not found its way to Montana.

George Poston stated that the longer Montana waited to conform to this act the more money it is going to cost both in dollars and in suffering by the veterans.

John Sloan stated that in 1980, there were 361 additional veterans in 65 towns and the cities and the Veterans' Administration determined that they needed

HEARING ON HB 661

Presentation and Opening Statement by Sponsor:

Rep. Rice stated that this bill was an act to generally revise the statutes relating to sexually transmitted diseases; changing the references to "venereal diseases" to "sexually transmitted diseases"; adding aids and chlamydia genital infections to the list of sexually transmitted diseases defined; clarifying that the Department of Health and Environmental sciences is not responsible for providing treatment to those with sexually transmitted diseases; allowing the Department to keep false positive syphilis test results; eliminating the requirement that a physician report directly to the department; allowing persons authorized by state pharmacy laws to sign a prescription to prescribe, sell, or recommend drugs for treatment of sexually transmitted diseases; clarifying the circumstances under which information concerning sexually transmitted diseases may be released.

Testifying Proponents and Who They Represent:

Bruce DeSonia, Department of Health

Proponent Testimony:

Bruce DeSonia stated that conservative estimates are the cost of sexually transmitted diseases to our society exceed two billion dollars annually. The number of different diseases transmitted sexually have continued to increase. With the advent of the AIDS epidemic, greater attention has been focused on other sexually transmitted diseases as well. Exhibit 5.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Good questioned Mr. DeSonia about the procedure for contacting persons who are suspected of carrying sexually transmitted diseases.

Rep. Boharski asked Mr. DeSonia if the addition of AIDS was being added to the list.

Rep. Simon asked Rep. Rice about some technical amendments and Rep. Rice responded that he approved.

Closing by Sponsor: Rep. Rice closes on the bill.

DISPOSITION OF HB 661

The Hearing on HB 661 was held on February 15, 1989.

Motion: A Motion was made by Rep. Strizich to move the bill. A Motion was then made by Rep. Strizich to move the amendments.

Amendments, Discussion, and Votes: A vote was taken to pass the amendments and all voted in favor.

Recommendation and Vote: Rep. Strizich made Motion to DO PASS AS AMENDED. All voted in favor. Motion carries.

DISPOSITION OF HB 663

The Hearing on HB 663 was held on February 15, 1989.

Motion: A Motion was made by Rep. Brown to DO PASS.

Discussion: Discussion followed by the committee.

Recommendation and Vote: A vote was taken and all voted in favor. Motion carries.

DISPOSITION OF HJR 24

The Hearing on HJR 24 was held on February 15, 1989.

Motion: Rep. Squires made a Motion to DO PASS.

Recommendation and Vote: A vote was taken and all voted in favor.

ADJOURNMENT

Adjournment At: 9:25 p.m.

Stella Jean Hansen

REP. STELLA JEAN HANSEN, Chairman

SJH/ajs

F1507.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2.15-89

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp	✓		
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould	✓		
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

STANDING COMMITTEE REPORT

February 16, 1989

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 661 (first reading copy -- white) do pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Page 5, line 12.
Following: "["
Insert: "House"
Following: "No."
Insert: "668"

2. Page 12, line 12.
Following line 11.
Insert: "House"
Following: "No."
Insert: "668"

3. Page 12, following "50-18-109".
Insert: "If this phrase is not void and is reinserted, the term "venereal" is stricken and the term "sexually transmitted" is inserted."

STANDING COMMITTEE REPORT

February 16, 1989

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 663 (first reading copy -- white) do pass .

Signed: Stella Jean Hansen
Stella Jean Hansen, Chairman

VISITORS' REGISTER

_____ COMMITTEE

BILL NO. HB 661 DATE 2-15-89

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Bruce Desonia	2008 Lockey Ave.	✓	
Judith Gebhardt	DHES	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CHAIRMAN--TOM HAGER
SECRETARY-DOROTHY QUINN COMMITTEE--(S) PUBLIC HEALTH, W & S OFFICE--ROOM 440
NORMAL SCHEDULE==> SITE: ROOM 410 DAYS: M,W,F TIME: 1:00 P.M.

NOTE: BILL WILL BE LISTED TWICE IF REREFERRED BACK TO THE SAME COMMITTEE

BILL	REFER DATE	LATEST DATE/ACTION ON BILL	
		SPONSOR: CAMPBELL, BUD	TITLE-CLARIFY DEFINITION OF PRACTICE OF PRACTICAL NURSING
HB 395	02/10	04/05--(H) CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
		SPONSOR: CODY, DOROTHY	TITLE-GRANT PRESCRIPTIVE AUTHORITY TO NURSE SPECIALISTS
HB 437	02/28	04/10--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: GOULD, BUDD	TITLE-REVISE SCOPE OF PODIATRY PRACTICE
HB 438	02/28	03/24--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: GOULD, BUDD	TITLE-HOSPITAL STAFF PRIVILEGES TO OSTEOPATHS AND PODIATRISTS
HB 458	02/28	04/11--(H) CHAPTER NUMBER	EFFECTIVE DATE: 04/11/89
		SPONSOR: PECK, RAY	TITLE-PARENTS' RIGHTS ON BIRTHS; EXEMPT DIRECT-ENTRY MIDWIVES FROM PRACTICES ACT
HB 484	02/15	03/16--(S) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: HANNAH, TOM	TITLE-TO REQUIRE COMMERCIAL USERS OF CHLORINATED SOLVENTS TO OBTAIN A PERMIT
HB 524	02/28	04/03--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: HANSEN, STELLA JEAN	TITLE-INCLUDING PREVENTIVE HEALTH SERVICES UNDER MEDICAL ASSISTANCE FOR MEDICAID
HB 593	02/28	04/08--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: RUSSELL, ANGELA	TITLE-BILL REQUIRING COUNSELING FOR PERSON CONVICTED OF DOMESTIC ABUSE
HB 614 A	03/21	04/27--(H) TRANSMITTED TO GOVERNOR	
		SPONSOR: WYATT, DIANA	TITLE-PROVIDE SPECIAL TELECOMMUNICATIONS EQUIPMENT AND SERVICES TO THE HANDICAPPED
HB 621	02/28	04/27--(H) TRANSMITTED TO GOVERNOR	
		SPONSOR: NELSON, THOMAS	TITLE-BILL TO GENERALLY AMEND THE MONTANA UNIFORM HEALTH CARE INFORMATION ACT
HB 654	02/28	04/24--TABLED IN COMMITTEE	
		SPONSOR: RUSSELL, ANGELA	TITLE-REQUIRING ALCOHOL VENDORS TO POST WARNING OF DRINKING DURING PREGNANCY
HB 661	02/28	04/04--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: RICE, JIM	TITLE-REVISE HEALTH LAWS RELATING TO SEXUALLY TRANSMITTED DISEASES
HB 663	04/06	04/25--(H) CHAPTER NUMBER	EFFECTIVE DATE: 07/01/89
		SPONSOR: BROWN, JAN	TITLE-INCLUDE HOSPICE CARE AS A MANDATORY MEDICAID SERVICE
HB 668	02/28	04/08--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: MCDONOUGH, MARY	TITLE-GOVERNMENT HEALTH CARE INFORMATION ACT
HB 684	02/28	03/20--(H) CHAPTER NUMBER	EFFECTIVE DATE: 10/01/89
		SPONSOR: GRINDE, LARRY HAL	TITLE-AMEND THE FOOD, DRUG, AND COSMETIC ACT TO INCLUDE BOTTLED WATER
HB 688	02/28	04/08--(H) CHAPTER NUMBER	EFFECTIVE DATE: 04/08/89
		SPONSOR: SIMON, BRUCE	TITLE-ALLOW RN IN FAMILY PLANNING CLINIC TO DISPENSE CONTRACEPTIVES
HJ 15	02/15	04/24--TABLED IN COMMITTEE	
		SPONSOR: BROWN, JAN	TITLE-DEPT OF FAMILY SERVICES TO COLLECT DATA ON CHILDREN OUT-OF-HOME PLACEMENTS
HJ 24	02/28	03/29--(S) FILED WITH SECRETARY OF STATE	
		SPONSOR: PAVLOVICH, BOB	TITLE-JOINT RESOLUTION FOR VA NURSING HOME BEDS AT FORT HARRISON
HJ 33	04/03	04/19--(H) FILED WITH SECRETARY OF STATE	
		SPONSOR: STICKNEY, JESSICA	TITLE-URGE PHYSICIAN PARTICIPATION IN MONT-SHARE

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Senator Tom Hager, on March 17, 1989, at 12:45 p.m., Room 410, State Capitol

ROLL CALL

Members Present: Senators Tom Hager, Chairman; Tom Rasmussen, Vice Chairman; J. D. Lynch, Matt Himsl, Bill Norman, Bob Pipinich

Members Excused: Harry H. McLane

Members Absent: None

Staff Present: Tom Gomez, Legislative Council
Dorothy Quinn, Committee Secretary

Announcements/Discussion: None

EXECUTIVE ACTION ON SENATE BILL 270

Chairman Hager called for action on SB 270: This bill established standards for training and accreditation for asbestos workers; allowed the Department of Health and Environmental Sciences to require permits for asbestos projects and charge fees of persons working with asbestos; allowed the Department to establish criteria for asbestos projects; and provided for criminal and civil penalties.

Discussion: Senator Hager explained that the committee would vote on SB 270 and he would hold it until SB 259, which is an exemption from the Sunrise provisions, was signed by the Governor.

Recommendation and Vote: Senator Lynch made a MOTION THAT SENATE BILL 270 DO PASS. Senators in favor, 5; opposed, 0. IT IS RECOMMENDED SENATE BILL 270 DO PASS.

EXECUTIVE ACTION ON HOUSE BILL 688

Chairman Hager called for action on HB 688: Senator Hager advised this bill allowed Registered Nurses employed by family planning clinics to dispense prepackaged

something must be done for the offender, but the counselor must have some special training. She added that there are probably individuals at Eastern Montana College who possibly could develop a program for treating the offender.

Judith Carlson informed that the Montana Chapter of Association of Social Workers does sponsor several workshops on various topics and this would be the kind of thing where they bring in an expert and offer a three or four day workshop inviting people to come and get that type training. She believed it would be available.

Senator Hager also stated he did not believe the court should be the entity to approve the counseling program. He questioned whether the court was knowledgeable enough to approve the course. Rep. Russell agreed, and added that two other possible options would be the Board of Social Worker Examiners or the Montana Coalition Against Domestic Violence.

Senator Norman asked if the physicians and psychologists could be approved by their licensing boards. Rep. Russell stated that would be agreeable.

Closing by Sponsor: Representative Angela Russell stated that HB 593 requires some deliberation and thought on the part of the committee. It is a continuing problem. and affects children. She stated that in Billings she is involved in a group for battered women, and as part of that the YWCA has started a program for children. It is a continuing cycle of violence. She urged the committee's favorable consideration.

DISPOSITION OF HOUSE BILL 593

Discussion: None

Amendments and Vote: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 661

Presentation and Opening Statement by Sponsor: Jim Rice, Representative of House District #43, stated he is the sponsor of HB 661, which bill was requested by the Department of Health. In essence, he believes this bill says VD is out and STD is in. STD stands for

sexually transmitted diseases and most of this bill consists of going through all of the codes and changing the language from "venereal disease" to "sexually transmitted disease" and also adding some new diseases that have become problems and the Department wants the authority to regulate as they do other diseases. The additional diseases are aids and chlamydia genital infections. He stated there are some minor changes regarding reporting and record keeping requirements. He pointed out Section 8 regarding release of information concerning those people who have these particular diseases. This bill adds permissible release to a local health officer who is dealing with the particular problem, as well as tying into HB 668 which regards release of health care information by governmental agencies, then information can also be released regarding diseases consistent with what that bill provides. Section 18 repeals the law prohibiting advertising or sale of contraceptives.

List of Testifying Proponents and What Group they Represent:

Bruce Desonia, Montana Health Department
Bob Johnson, Chairman, Montana State Health Department

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bruce Desonia, Program Officer with the AIDS/STD program with the Department of Health, stated he is submitting testimony on behalf of HB 661. He informed that Section 1 simply adds two new diseases (aids and chlamydia genital infections) to a list of defined STDs. Chlamydia became a reportable disease in Montana in 1987. He pointed out the changes in Sections 1, 2, 4, 5, 8 and 9. He presented written testimony explaining the proposed changes (Exhibit #3).

Bob Johnson, Chairman of Montana State Health Department Aids Advisory Council, stated that council is composed of all of the health care providers that provide service in caring for aids clients. Membership on that council also includes people who are directly affected by aids. That advisory committee supports HB 661, and requests passage of the bill by the committee.

Questions From Committee Members: None

Closing by Sponsor: Representative Rice closed without further comments.

DISPOSITION OF HOUSE BILL 661

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Pipinich made a MOTION THAT HOUSE BILL 661 BE CONCURRED IN. Senators in favor, 6; opposed, 0. MOTION PASSED UNANIMOUSLY.

Senator Hager will carry HB 661 to the Senate floor.

HEARING ON HOUSE BILL 668

Presentation and Opening Statement by Sponsor: Mary McDonough, Representative of House District #89, stated that this bill specifies the circumstances under which the Department of Health and Environmental Sciences and local health departments may release health care information from their records. She stated Montana was the first state in the nation to adopt the Confidentiality of Health Care Information Act, and this was the statute that guaranteed the non-release of information in health care facilities in a manner that would violate the rights of clients. The same type of statute gave these clients the right to review their own health care information. This statute relates to confidentiality requirements in the public health sector rather than in medical facilities. She said the privacy of individuals is especially important to insure that follow-up work is done, testing is completed, and treatment is incurred particularly in the area of HIV infections. Until confidentiality of all aspects relating to the aids virus can be assured, people needing such testing and counseling simply will not come forward. The basis for the statute was a prototype developed by the U. S. Public Health Service. This act in Montana was made so that information about an individual suffering from a communicable disease could not be shared in a manner which identifies them to anyone other than public health officials or medical treatment persons requiring that information. She feels this bill will improve aids control efforts in Montana by assuring citizens protection from discrimination that could be caused by disclosure of information concerning communicable diseases of all types.

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 661 (third reading copy -- blue), respectfully report that HB 661 be concurred in.

Sponsor: Rice (Hager)

BE CONCURRED IN

Signed: _____
Thomas O. Hager, Chairman

3-17-89

scrhb661.317

ROLL CALL

PUBLIC HEALTH COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3/17/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch	X		
Sen. Himsl	X		
Sen. Norman	X		
Sen. McLane			X
Sen. Pipinich	X		

Each day attach to minutes.

March 6, 1989

SENATE HEALTH & WELF
EXHIBIT NO. #3
DATE 3/7/89
BILL NO. HB 661

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
TESTIMONY ON ACT TO REVISE HEALTH LAWS RELATING TO
SEXUALLY TRANSMITTED DISEASES

Mr. Chairman and Members of the Senate Public Health, Welfare and Safety Committee, I am Bruce Desonia, Program Officer with the AIDS/STD Program, and I submit this testimony in support of House Bill 661.

Conservative estimates are the cost of sexually transmitted diseases to our nation exceed two billion dollars annually. The number of different diseases transmitted sexually has continued to increase. With the advent of the AIDS epidemic, greater attention has been focused on other sexually transmitted diseases as well.

This bill replaces the term "venereal" with "sexually transmitted" to correspond to current usage. In addition:

In Section 1, we recommend the addition of two new diseases: AIDS or acquired immunodeficiency syndrome and chlamydia genital infections. Although the number of AIDS infections reported in Montana may be small in comparison to the national statistics, it is a significant threat to public health. Chlamydial genital infections have been reported with increasing frequency, in recent years. It became a reportable disease in Montana in 1987.

Section 2 is simply changed to read: "The powers and duties of the Department". Although the Department does support treatment of patients unable to pay for that treatment, the title of this section may be misleading as worded.

In Section 4, there is a section reading the Department shall destroy the results of a test if an erroneous report is made. Currently the STD program of the Department maintains a syphilis serology reactor file. This is a record of patients reported with a presumptive positive laboratory test. The positive test may be due to a current or past infection or possibly reactive due to other infectious agents or conditions. The registry allows us to know a current reactive test may be positive for reasons other than syphilis. We then spare the physician and patient from unneeded follow-up and are able to provide consultation to health care providers in Montana so that appropriate interpretation of the test results can be made. Any erroneous reports would not be maintained in the Department's registry.

March 6, 1989

Section 5 currently reads "a physician who diagnoses or treats venereal disease, shall make a record and report the case to the Department of Health and Environmental Sciences in the way and on forms provided by the Department." Current rules for reportable diseases already require a physician, health care provider, or any person with knowledge of a reportable disease, to report to their local health department. This current section of the law is unnecessary and conflicts with current reportable disease rules.

Section 8 discusses the permissible release of information concerning infected persons. Section (c) was added so information concerning persons infected with a sexually transmitted disease may be released to: a) personnel of the Department of Health and Environmental Sciences, or b) to a physician who has written consent of the person whose record is requested, and in addition, c) a local health officer. This is so the local health officer or their staff may receive reports. This is consistent with current reportable disease rules. In an addition section d) was added so that information may be released by the Department of Health and Environmental Sciences or local health officer under the circumstances allowed by the coordinating companion bill, HB 668, the Government Health Care Information Act. There are certain situations where MCA 50-18 has been too restrictive and has not allowed a patient to release their own records from the Department.

Section 9 currently provides for dispensation of drugs for treatment of sexually transmitted disease. This section is clarified to allow dispensing of drugs by a person legally authorized by the pharmacy laws of the state to do so. If persons other than physicians, are able to prescribe drugs under current pharmacy law, they need to be able to provide prescriptions in this case also.

Section 18 repeals (Section 45-8-204, MCA) which was declared unconstitutional in U.S. District Court in 1985.

Thank you.

BD/vg-108d

DATE 3/17/89

COMMITTEE ON Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Bruce Desonia	Mt. Dept. Health	661	✓	
Hal Manson	American Legion	HJ24	X	
John Sloan	MOPH	HJ24	✓	
John M. Dewilder	Dept of MT DAV	HJ24	X	
Robert R Johnson	Lewis & Clark Health Dept	HB524	✓	
" "	" "	HB661		
" "	" "	HB668		
Judith Carlson	DNES	668/HB		
Yvonne Bradford	Mela County Hlth. Dept	HB524	✓	
Wally Jewell	MT MAG ASSOC	HB593		
Judith Carlson	NASW	HB593	✓	
Tick Brown	MT Red Vets Affairs	HJR24	✓	
Kati Williams	Senator Bob Williams	SB270		
Walt Wheeling	Ex-POW's, ADBC	HJR24	✓	
George O. Poston	United Veterans of MT.	HJR-24	✓	
Ilene Waldron	FRIENDSHIP CENTER Mental Health Center	HB593	X	
Ted Doney	Mental Health Assn. of Montana Montana Mental Health Counselors Assn.	HB593	X	
Yvonne Bradford	Mela Hlth Dept	HB668	X	

(Please leave prepared statement with Secretary)

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 3/17/89 Bill No. 661 Time 2:05

NAME	YES	NO
Sen. Tom Hager	X	
Sen. Tom Rasmussen	X	
Sen. Lynch	–	
Sen. Matt Himsl	X	
Sen. Bill Norman	X	
Sen. Harry McLane	X	
Sen. Bob Pipinich	X	

Dorothy Quinn
Secretary

Sen. Tom Hager
Chairman

Motion: Sen Pipinich 7, 1 Do Concur
HB 661 6 – 1 0

1987

HOUSE BILL NO. 661

INTRODUCED BY RICE

BY REQUEST OF THE DEPARTMENT OF HEALTH

AND ENVIRONMENTAL SCIENCES

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE STATUTES RELATING TO SEXUALLY TRANSMITTED DISEASES; CHANGING THE REFERENCES TO "VENEREAL DISEASES" TO "SEXUALLY TRANSMITTED DISEASES"; ADDING AIDS AND CHLAMYDIA GENITAL INFECTIONS TO THE LIST OF SEXUALLY TRANSMITTED DISEASES DEFINED; CLARIFYING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IS NOT RESPONSIBLE FOR PROVIDING TREATMENT TO THOSE WITH SEXUALLY TRANSMITTED DISEASES; ALLOWING THE DEPARTMENT TO KEEP FALSE POSITIVE SYPHILIS TEST RESULTS; ELIMINATING THE REQUIREMENT THAT A PHYSICIAN REPORT DIRECTLY TO THE DEPARTMENT; ALLOWING PERSONS AUTHORIZED BY STATE PHARMACY LAWS TO SIGN A PRESCRIPTION TO PRESCRIBE, SELL, OR RECOMMEND DRUGS FOR TREATMENT OF SEXUALLY TRANSMITTED DISEASES; CLARIFYING THE CIRCUMSTANCES UNDER WHICH INFORMATION CONCERNING SEXUALLY TRANSMITTED DISEASES MAY BE RELEASED; AMENDING SECTIONS 41-1-402, 41-1-403, 50-18-101 THROUGH 50-18-104, 50-18-106 THROUGH 50-18-113, 50-19-102, 50-19-105, AND 50-31-303, MCA; AND REPEALING SECTION 45-8-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-18-101, MCA, is amended to read:

"**50-18-101. ~~Venereal~~ Sexually transmitted diseases defined. ~~Syphilis~~ Acquired immunodeficiency syndrome (AIDS), syphilis**, gonorrhea, chancroid, **chlamydia genital infections,** lympho-granuloma, venereum, and granuloma inguinale are **~~venereal~~ sexually transmitted** diseases. **~~Venereal~~ Sexually transmitted** diseases are contagious, infectious, communicable, and dangerous to public health."

Section 2. Section 50-18-102, MCA, is amended to read:

"**50-18-102.--~~Department----to----undertake-----control, prevention,--and--treatment--of-venereal-diseases~~ Powers and duties of department**. The department of health and environmental sciences shall undertake to prevent, control, and prescribe treatments for **~~venereal~~ sexually transmitted** diseases and may conduct education campaigns for this purpose."

Section 3. Section 50-18-103, MCA, is amended to read:

"**50-18-103. Cooperation with federal agencies -- federal funds.** (1) The department of health and environmental sciences shall cooperate with federal agencies and may expend federal funds made available to the state for the prevention, control, and treatment of **~~venereal~~ sexually transmitted** diseases.

(2) The department may accept federal funds available

REFERENCE BILL

for the prevention, control, and treatment of ~~venereal~~ sexually transmitted diseases, deposit funds in the state treasury, and disburse the funds."

Section 4. Section 50-18-104, MCA, is amended to read:

"**50-18-104. Serological test for syphilis.** (1) The department of health and environmental sciences shall approve a standard serological test for syphilis. It shall also approve laboratories which may make such tests.

(2) On request the department shall make laboratory tests required by this chapter.

~~(3)--The-department-shall-destroy-the-results-of-a-test if-an-erroneous-report-is-made.~~"

Section 5. Section 50-18-106, MCA, is amended to read:

"**50-18-106. Duty to report cases.** ~~(1)-A-physician--who diagnoses--or--treats-a-venereal-disease-shall-make-a-record and--report--the--case--to--the--department--of--health--and environmental--sciences--in-the-way-and-on-forms-provided-by the-department.~~

~~(2)~~ If a physician or other person knows or has reason to suspect that a person who has ~~venereal~~ a sexually transmitted disease is conducting himself in a way which might expose another to infection, he shall immediately notify the local health officer of the name and address of the diseased person and the essential facts in the case."

Section 6. Section 50-18-107, MCA, is amended to read:

"**50-18-107. Powers and duties of health officers.** (1) If found necessary or desirable to protect public health, state and local health officers or their authorized deputies or agents shall:

(a) examine or have examined persons reasonably suspected of being infected with ~~venereal~~ a sexually transmitted disease;

(b) require persons infected to report for treatment to a reputable physician and continue treatment, which may be at public expense, until cured;

(c) isolate or quarantine persons who refuse examination or treatment;

(d) investigate sources of infection of ~~venereal~~ a sexually transmitted disease.

(2) No one but the state or local health officer may terminate the isolation or quarantine. Examinations may be made repeatedly as deemed advisable or desirable."

Section 7. Section 50-18-108, MCA, is amended to read:

"**50-18-108. Examination and treatment of prisoners.** Any person confined or imprisoned in any state, county, or municipal prison within the state may be examined for ~~venereal~~ a sexually transmitted disease. If infected, the person ~~shall~~ must be treated by health authorities."

Section 8. Section 50-18-109, MCA, is amended to read:

"**50-18-109. Permissible release of information**

concerning infected persons. (1) Information concerning persons infected or reasonably suspected to be infected with ~~venereal~~ a sexually transmitted disease may ~~only~~ be released to only:

(a) to personnel of the department of health and environmental sciences; or

(b) to a physician who has written consent of the person whose record is requested~~.~~;

(c) to a local health officer; or

(d) by the department of health and environmental sciences or a local health officer or board under the circumstances allowed by [HOUSE Bill No. 668 (LC 864)].

(2) For the purposes of this section, the term "information" includes all knowledge or intelligence and all communications of all knowledge or intelligence, oral or written or in record form, and also includes but is not limited to information concerning the location or nature of the activities or work of all local, state, or federal employees or officers engaged in ~~venereal~~ sexually transmitted disease eradication work, and such personnel are privileged ~~and shall not be required to testify concerning anything within their knowledge or work activities having any relation to venereal disease work.~~

(3) The purpose of this section is to protect and preserve the principle of confidentiality in ~~venereal~~ sexually transmitted disease work by public personnel, local, state, and federal, such confidentiality being all important to the success of all ~~venereal~~ sexually transmitted disease eradication work and endeavor, and to require that the principle of confidentiality in such work remain inviolate."

Section 9. Section 50-18-110, MCA, is amended to read:

"**50-18-110. Unlawful ~~dispensation~~ dispensing of drugs for cure or alleviation of ~~venereal~~ sexually transmitted disease.** It is unlawful to prescribe, sell, or recommend any drugs, medicines, or other substances for the cure or alleviation of ~~venereal~~ a sexually transmitted disease except upon prescription signed by a ~~physician~~ person legally authorized to ~~practice medicine in~~ do so by the pharmacy laws of this state."

Section 10. Section 50-18-111, MCA, is amended to read:

"**50-18-111. Certificate of freedom from ~~venereal~~ sexually transmitted disease not to be issued.** No person shall issue a certificate of freedom from ~~venereal~~ a sexually transmitted disease. However, a physician or health officer may issue a statement of freedom from diseases in an infectious state only if it is written in such form or given under safeguards that will prevent its use in solicitation for sexual intercourse. These statements

shall not be used for solicitation for immoral purposes."

Section 11. Section 50-18-112, MCA, is amended to read:

"**50-18-112. Infected person not to expose another to venereal** sexually transmitted **disease.** A person infected with a **venereal** sexually transmitted disease **shall** may not knowingly expose another person to infection."

Section 12. Section 50-18-113, MCA, is amended to read:

"**50-18-113. Violation a misdemeanor.** A person who violates provisions of this chapter or rules adopted by the department of health and environmental sciences concerning **venereal** a sexually transmitted disease or who fails or refuses to obey any lawful order issued by a state or local health officer is guilty of a misdemeanor."

Section 13. Section 50-19-105, MCA, is amended to read:

"**50-19-105. Report of positive test results.** All positive laboratory tests for any **venereal** sexually transmitted diseases **shall** must be reported to the department by the laboratory preparing the test. The department shall prescribe the form and way of reporting."

Section 14. Section 41-1-402, MCA, is amended to read:

"**41-1-402. Validity of consent of minor for health services.** (1) The consent to the provision of medical or

surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician licensed to practice medicine in this state may be given by a minor who professes or is found to meet any of the following descriptions:

(a) a minor who is or was ever married or has had a child or graduated from high school or is emancipated;

(b) a minor who has been separated from his parent, parents, or legal guardian for whatever reason and is supporting himself by whatever means;

(c) a minor who professes or is found to be pregnant or afflicted with any reportable communicable disease, including **venereal** a sexually transmitted disease, or drug and substance abuse, including alcohol. This self-consent only applies to the prevention, diagnosis, and treatment of those conditions specified in this subsection. The self-consent in the case of pregnancy, **venereal** a sexually transmitted disease, and drug and substance abuse also obliges the health professional, if he accepts the responsibility for treatment, to counsel the minor by himself or by referral to another health professional for counseling.

(d) a minor who needs emergency care, including transfusions, without which his health will be jeopardized. If emergency care is rendered, the parent, parents, or legal

guardian shall be informed as soon as practical except under the circumstances mentioned in this subsection (1).

(2) A minor who has had a child may give effective consent to health service for his child.

(3) A minor may give consent for health care for his spouse if his spouse is unable to give consent by reason of physical or mental incapacity."

Section 15. Section 41-1-403, MCA, is amended to read:

"**41-1-403. Release of information by physician.** (1) A treating physician or other health professional may, but shall not be obligated to, inform the spouse, parent, custodian, or guardian of any such minor in the circumstances as enumerated in 41-1-402 of any treatment given or needed when:

(a) in the judgment of the health professional, severe complications are present or anticipated;

(b) major surgery or prolonged hospitalization is needed;

(c) failure to inform the parent, parents, or legal guardian would seriously jeopardize the safety and health of the minor patient, younger siblings, or the public;

(d) to inform them would benefit the minor's physical and mental health and family harmony; or

(e) the hospital desires a third-party commitment to pay for services rendered or to be rendered.

(2) Notification or disclosure to the spouse, parent, parents, or legal guardian by the health professional shall not constitute libel or slander, a violation of the right of privacy, a violation of the rule of privileged communication, or any other legal basis of liability. When the minor is found not to be pregnant or not afflicted with ~~venereal~~ a sexually transmitted disease or not suffering from a drug- or substance-abuse, including alcohol, then no information with respect to any appointment, examination, test, or other health procedure shall be given to the parent, parents, or legal guardian, if they have not been already informed as permitted in this part, without the consent of the minor."

Section 16. Section 50-19-102, MCA, is amended to read:

"**50-19-102. Duties of department.** (1) The department shall provide all necessary printing and pay all necessary expenses relative to administration of this part.

(2) Reasonable rules for reports to be submitted by any laboratory making tests and the manner of furnishing the reports to the physician and the state shall be adopted by the department.

(3) The department may use information derived from reports of positive tests for ~~venereal~~ sexually transmitted diseases for follow-up procedures required by law or

considered necessary by the department for the protection of public health."

Section 17. Section 50-31-303, MCA, is amended to read:

"50-31-303. Certain drug advertisements considered false. (1) For the purpose of this chapter, the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, or venereal a sexually transmitted disease shall also be deemed to be false, except that no advertisement not in violation of 50-31-107(1) shall be deemed to be false under this section if it is disseminated only to members of the medical, dental, or veterinary professions or appears only in the scientific periodicals of these professions or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices.

(2) Whenever the department determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the department shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the department may deem necessary in the interests of public health.

(3) This section shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious."

NEW SECTION. **Section 18.** Repealer. Section 45-8-204, MCA, is repealed.

NEW SECTION. **Section 19.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 20.** Coordination instruction. If HOUSE Bill No. 668 [LC 864] is not passed and approved, the portions of [section 8 of this act] are void that add a new subsection (1)(d) to 50-18-109 and that strike the phrase "and shall not be required to testify concerning anything within their knowledge or work activities having any relation to venereal disease work" from subsection (2) of 50-18-109. IF THIS PHRASE IS NOT VOID AND IS REINSERTED, THE TERM "VENEREAL" IS STRICKEN AND THE TERM "SEXUALLY

TRANSMITTED" IS INSERTED.

NEW SECTION. **Section 21.** **Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 22.** **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-